

**SAILING TO SOLUTIONS: WHEN NEW INITIATIVES ENHANCE
COLLABORATION, COMMUNICATION AND PARTICIPATION,
MARINAS AND THE ENVIRONMENT BENEFIT**

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Introduction

Recreational boating, sailing, and fishing are popular pastimes that generate economic benefits for coastal, river, and lake communities. It is estimated that New Jersey's registered boaters annually spend up to \$380 million on trip-related expenses and an additional \$262 million on boating-related expenses within the state. Working waterfronts such as marinas and boatyards are essential components of local and regional economies and enable the growth of the coastal tourism and fishing industries. However, these recreational activities can also impact coastal and inland water quality and resources. By their very nature, marinas, boatyards, and yacht clubs, where many boaters keep and maintain their boats, are on the frontline as potential sources of nonpoint source pollution. Marina-related sources of pollution include stormwater runoff from boatyards, drips from fuel docks, discharges from marine heads, and disposal of fish waste by recreational anglers.

In recognition of the importance of marinas to the coastal economy, the tourism industry, and the preservation of access for recreational boaters, the New Jersey Department of Environmental Protection (NJDEP) implemented several new initiatives to enhance the marina industry while continuing to protect natural resources. These include the creation of the New Jersey Clean Marina Program; increased interaction with the boating and marina community regarding new rules and policies including a stake holder process and an interactive workshop; a potential permit-by-rule; and opportunities for marinas to work with the NJDEP Green Acres Program to preserve access and limit the pressure to sell to development entities. These steps demonstrate NJDEP's commitment to preserving NJ's recreational working waterfronts, public access, and the environment.

The New Jersey Clean Marina Program

The New Jersey Clean Marina Program was launched in March 2005 by the Coastal Management Office, in partnership with The New Jersey Marine Sciences Consortium/Sea Grant Program, the NJ Marine Trades Association, the NJ Department of Transportation/ Office of Maritime Resources, the Barnegat Bay Estuary Program, the Jacques Cousteau National Estuarine Research Reserve and other organizations. The voluntary education-based program provides guidance and technical assistance to marinas regarding effective

practices to protect water quality and coastal resources. Participants receive a Guidebook which references and describes day-to-day environmentally responsible best management practices and provides suggestions for long-range planning and operation of marinas; outreach and educational materials for boaters; technical assistance with state and federal rules and regulations; a website with additional information for marina owners and boaters and up-to-date lists of new rules, policies, and initiatives; and additional incentives and give-aways such as spill kits and signage for participating marinas.

Marinas that participate in the Program gain recognition for protecting coastal water and air quality; receive free technical and regulatory assistance; reduce costs; attract responsible boaters; and become eligible for funding to implement best management practices. Benefits to the State include increased compliance with environmental regulations and decreased likelihood of adverse impacts to coastal and inland water quality, habitat, and resources.

Fourteen marinas are currently certified and about 23 have pledged to participate in the Program and are making progress toward designation. Program staff continues to reach out to marina owners throughout the state and develop incentives, rewards, and additional educational materials.

Marina Roundtable Event

The NJDEP regulates many aspects of a marina's daily operations, development, and enhancement activities. Marinas must comply with air quality, land use, underground storage tank, community-right-to-know, marine sanitation and pollution discharge, tidelands, wetlands, and stormwater regulations. Even with a plethora of information on websites, in brochures, and in the Clean Marina Guidebook, marina owners often simply want to talk to a person who can clarify some of the permit and regulatory requirements. The Coastal Management Office and the Division of Land Use Regulation observed that marina owners tended to have similar questions. In response, a round table event was coordinated by the NJ Marine Trades Association and the NJDEP to provide the opportunity for marina owners to meet one-on-one with NJDEP regulators to answer both specific and general questions. Over twenty marinas attended the roundtable and met with NJDEP representatives from the Division of Land Use Regulation, the Office of Dredging and Sediment Technology, and the Coastal Management Office. Some marinas brought specific questions and pending permit applications. Others just came with general questions about planned expansion, dredging, and other activities. Feedback from marina owners was positive, and almost all were satisfied with the format, the personal attention, and the quality of responses.

Targeted Stakeholder Involvement

When the Bureau of Nonpoint Pollution Control was developing a revised stormwater general permit prohibiting the discharge of power wash water into surface waters, a stakeholder involvement process was initiated to assure that the concerns and suggestions of the marina industry were considered in developing the rule and associated guidance documents. Throughout the revision process several marina owners, the executive director of the New Jersey Marine Trades Association, and a representative of the NJ Sea Grant Program met with NJDEP staff from the Bureau of Nonpoint Pollution Control and the Coastal Management Program met to discuss the implications of the new rule. While the Bureau of Nonpoint Pollution Control was under constraints from the federal Environmental Protection Agency regarding the final outcome -- eliminating power wash water discharge -- the Department made it a priority to work with the stakeholders to explore the most effective and economically feasible ways in which marina owners could comply with the new regulations. The NJDEP also worked with the stakeholders when writing the rule guidance document and even helped test some of the systems available for the collection and recycling of the wash water. The Coastal Management Program continues to coordinate with the Sea Grant Program to make information about the new permit available on the Clean Marina Program webpage. A list of new technologies and systems that enable marinas to comply with the stormwater permit is continually updated on the website as well.

Another example is the stakeholder meeting held by the Division of Land Use Regulation as part of the re-adoption of New Jersey's Coastal Zone Management rules. The meeting provided an opportunity for the NJDEP to explain the process of rule re-adoption and for the regulated community, including marina owners, as well as for environmental, trade and other organizations to share ideas and suggest rule amendments.

A Simplified Permit for Compliance with New Stormwater Rule

The Bureau of Nonpoint Pollution Control regulates industrial discharges from marinas and boatyards. The Division of Land Use Regulation issues permits for development activities within the coastal zone. Under the current coastal permit rules, a marina owner must obtain an individual permit for the installation of the components of a boat wash wastewater recirculating system necessary to comply with the new stormwater rules. An individual permit application requires preparation of plans and an environmental assessment and can take several months to process. It also includes a mandatory public comment period. The NJDEP recognizes that the goal of the new stormwater permit -- keeping potentially hazardous chemicals and pollutants out of surface waters and protecting water and sediment quality -- is critical to the conservation of the coastal environment. In order to further this goal and to facilitate the timely installation of these systems at the marinas, the Department has taken the first steps in proposing an appropriate permit-by-rule.

A permit-by-rule is a permit for activities that the Department has determined have minimal potential for environmental impact. No plans, application forms, photographs or other written notice need to be submitted to the Department for an activity or development that qualifies for a permit-by-rule. The new permit-by-rule, if adopted, would authorize the construction and/or installation of boat wash wastewater systems and associated infrastructure necessary to comply with the stormwater general permit, at legally existing and operating marinas. The permit-by-rule would contain specific standards and conditions that a marina would have to meet in order to be eligible for the permit. If such a rule is adopted, it would likely reduce the costs associated with compliance with the new stormwater rule and enable marinas to continue providing the important services of washing, winterizing and over-wintering boats without engaging in a lengthy permit process. The continued, enhanced protection of water quality, environmentally sensitive areas, and coastal resources that will result from the implementation of both the stormwater general permit and a permit-by-rule would provide for some financial relief for marina owners and the greater benefit and enjoyment of the boating public.

The Green Acres Program

The Green Acres Program was created in 1961 with the goal of achieving a system of interconnected open spaces, whose protection will preserve and enhance New Jersey's natural environment and its historic, scenic, and recreational resources for public use and enjoyment. Green Acres purchases land or the development rights to land to protect environmentally sensitive open space, water resources and other significant natural and historical open space.

Within the past year, the Green Acres Program has been coordinating with several marinas in Monmouth County, NJ, to explore options to acquire the development rights on the properties. The Green Acres Program would pay for the conservation easement and the marina would agree to surrender the rights to develop the property for residential or other commercial purposes. Construction of structures that support or enhance the marina business or other water dependent uses would be allowed. For example, the easement would allow for creation of slips, boat storage, public access paths, restrooms, marina offices, and marine supply stores, and boat repair activities. The easement would be held in perpetuity and anyone holding title to the property would be held to the terms of the easement. There are many issues that must be agreed upon between the partners, other than costs and payment. These include setbacks, view corridors, public access requirements, public parking, the protection of wetlands and other sensitive habitats, and potential impacts on threatened and endangered species. Once all the issues have been addressed, a conceptual site plan is developed to determine the value of the property (assuming it can be developed) before and after the imposition of the conservation easement. The difference between the two values would be the basis of the purchase price offered by the Green Acres

Program. To complete the process, the marina owner would have to accept the offer.

The benefits to a marina owner of such an agreement include the cash payment and a sense of certainty to continue operating as a marina. One marina currently engaged in the process is planning a residential development on a parcel adjacent to the marina. The presence of boat storage, maintenance, and a repair facility next door may serve as an enticement to prospective buyers. In another situation, only one of the three current owners of the marina is interested in continuing to operate the marina. The cash received from selling the development rights could be used to buy out the uninterested owners. The state Green Acres Program is also working with a municipality to purchase a private marina that may have contaminated soils. By agreeing to work with the state to preserve the marina for public access to the waterfront and as a working waterfront activity, the municipality would become eligible for various grants funding for clean-up.

The state benefits by assuring the preservation of public access to public trust resources, open spaces along waterways, and thriving working waterfronts, with all the economic and cultural benefits associated with them.

Reactions and Results

The projects and activities described above are all relatively new. With the exception of the Clean Marina Program, they have been instituted or initiated within the past 12-18 months. Therefore, it is premature to undertake a thorough analysis of results of these efforts to reach out to the marine industry and to stakeholders. However, the two-way exchange of information between the NJDEP and the marina owners, boaters, and Marine Trades Association is greater now than it has been in the past. There is no question that the marina industry considers itself highly regulated, but the NJDEP hopes that the enhanced communication and outreach will result in a greater understanding among all parties of the many complicated factors involved in balancing use of the waterfront by marinas, boatyards and yacht clubs with the protection of coastal resources and public access for all New Jersey residents and visitors.

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